



## ORDER ON ORAL MOTION

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April 26, 2010

**VIA FACSIMILE**

Honorable Claire C. Cecchi, U.S.M.J.  
United States District Court  
Martin Luther King, Jr. Federal Building  
& U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

SO ORDERED

*s/Claire C. Cecchi*

Claire C. Cecchi, U.S.M.J.

Date: April 27, 2010

Re: **Taro Pharmaceuticals North America, Inc. et al. v.  
Synerx Pharma LLC et al. 09-3569 (JLL)**

Dear Judge Cecchi:

Our firm, together with the firm of Venable LLC, represents plaintiffs Taro Pharmaceuticals North America, Inc. and Taro Pharmaceuticals U.S.A. Inc. (collectively "Taro") in this matter. We write with respect to the dispute that arose in the conference call with the Court on Tuesday, March 30, 2010 and to provide the Court with a status report. As the Court will recall, Your Honor issued an Order setting forth a briefing schedule for the filing of a Motion to Dismiss [Docket # 43]. After considering the issues and having further conversations with Douglas Hochstetler, Esq., counsel for defendants, we wish to inform the Court that Taro has decided to forego bringing the proposed Motion.

As a result, the parties have agreed, subject to Your Honor's approval, that entry of a scheduling order would now be appropriate in this case. Accordingly, we expect to submit to Your Honor by Wednesday, April 28, 2010, a proposed revision to the Joint Discovery Plan previously submitted to the Court.

We thank the Court for its consideration and cooperation in this matter. Naturally, if the Court has any questions, we would be pleased to respond to same at the Court's convenience.

The parties shall submit a revised joint discovery plan by April 28, 2010.

Respectfully,

Arnold B. Calmann

/gla

cc: All Counsel (via email)